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RURAL MANAGEMENT & DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

SIKKIM RURAL EMPLOYMENT GUARANTEE COUNCIL

No.13/RM&DD **Dated:17.08.2007**

NOTIFICATION

Whereas the Sikkim Rural Employment Guarantee Scheme (SREGS) 2006 had been notified vide notification No.2/RM&DD dated 13/06/2006 and published in the extraordinary Gazette of Government of Sikkim vide serial no. 178 of Tuesday the 20th June 2006.

And whereas the copies of the gazette containing the said notification were made available to the public on 13/05/2006.

And whereas no objection and suggestions on the said scheme were received by the State Government.

Now therefore, in the exercise of the powers conferred by section 12(1) of National Rural Employment Guarantee Scheme 2005, read with para 7 (10) of the Sikkim Rural Employment Guarantee Scheme the State Government is hereby pleased to make the following rules, namely:-

1.Short Title and Commencement:

(1) These rules may be called the National Rural Employment Guarantee (State Council) Rules, 2006.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions:- In these rules, unless the context otherwise requires,

(a) "Act" means the National Rural Employment Guarantee Act, 2005 (42 of 2005);

(b) "State Council" means the State Employment Guarantee Council constituted under sub-section (1) of section 12;

(c) "Chairperson" means the Chairperson of the State Council;

(d) "District Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B of the Constitution, for the rural areas at the district levels in accordance with the provisions of Part IX of the Constitution;

(e) "Executive Committee" means the Executive Committee of the State Council constituted under sub-rule (1) of rule 9;

(f) "Member-Secretary" means the Member-Secretary of the State Council;

(g) "Section" means a section notified by the State Government under Council;

(h) "Scheme" means a scheme notified by the State Government under sub-section (1) of section 4;

(i) "Technical Secretariat" means the Technical Secretariat of the State Council;

(j) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. The State Council:-

(1) Subject to the provisions of sub-rule (2), the State Council constituted under sub-section (1) of section 10 shall consist of the following, namely:-

(i) Chief Minister.....Chairperson, ex-officio;

(ii) Minister for Rural Development, Government of Sikkim ..... Member, ex-officio;

(iii) Secretary of the Department of Social Justice, Empowerment & Welfare to the Government of Sikkim.....Member.

(iv) Secretary of the Department of Agriculture to the Government of Sikkim.....Member.

(v) Secretary of the Department of Environment and Forest to the Government of Sikkim.....Member.

(vi) Twelve members to be nominated by the State Government from Panchayati Raj Institutions, organization of workers and disadvantaged groups, of whom four shall be women, and shall include:-

(a) Two representatives to be nominated by the State Government from the Schedule Caste, one representative each from Scheduled Tribes, Other Backward Classes and minorities;

(b) Adhayakhas, Zilla Panchayats, South/West/North/East Districts.

(vii) Three members to be nominated by the State Government of whom-

(a) One shall be an expert in any of the areas of works, such as water conservation, land development, aforestation and plantation and rural engineering, listed or under Schedule 1 of the Act.

(b) One shall be an expert in social audit; and

(c) One shall be an expert on wage employment;

(viii) Commissioner cum Secretary to the Government of Sikkim in the department of Rural Management & Development Department in charge of the National Rural Employment Guarantee Scheme.....Member-Secretary.

(2) Not less than one- third of the total number of non-official members of the State Council shall be women.

4. Terms and conditions of appointment of Members:-

1. The members representing the Ministries of Departments of the Government of Sikkim shall hold their offices as long as they are serving in their respective Departments or till the concerned Ministry or Department nominates any other officer.
2. The term of office of the official members representing the State Governments shall be for a period of one year.
3. The term of office of the non-official members nominated under clause (d) of sub-rule (1) of rule 3 shall be for a period of one year.
4. A non-official member nominated under clause (e) of sub-rule (1) shall be appointed for a period of two years or till any other member appointed in his place takes charge, whichever is earlier.
5. The non-official members shall also be entitled to receive honorarium at the rate of one thousand rupees per day for the days of the meeting of the State Council or its Executive Committee or any other official work for which they attend to at the headquarters at Gangtok or at any other place on invitation by the State Council.

5. Resignation, etc. of non-official members:-

(1). Any non-official member may:-

(a). by writing under his hand addressed to the Chairperson resign his office at any time;

(b). be removed from his office in case he incurs any disqualification mentioned in sub-rule (2)

(2). The State Government may, remove from office a non-official member if he:-

(i) has been adjusted as an insolvent; or

(ii).has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(iii).has become physically or mentally incapable of acting as a member; or

(iv). has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(v) has so abused his position as to render his continuance in office prejudicial to public interest; or

(vi) remains absent for three consecutive meetings of the State Council except for reasons beyond his control or without permission of the Chairperson.

(3). Any vacancy caused in the State Council due to resignation, death, removal or otherwise of a non-official member shall be filled from the same category to which such member was representing and the person newly nominated shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

6. Meeting of the State Council and its quorum:-

(1). The State Council shall meet at least two times in a year or more frequently as it may consider necessary, at such place and at such time, as may be decided upon by the Chairperson: Provided that six months shall not intervene between two consecutive meetings of the State Council.

(2.) The Chairperson shall preside at every meeting of the State Council at which he is present, and in his absence, the Hon'ble Minister, Rural Management & Development Department.

(3). Not less than one-third of the members shall constitute the quorum for the meetings of the State Council.

7. Procedure of the meeting:-

1. The Member-Secretary shall give at least fourteen clear days notice for a meeting of the State Council, giving therein the date, time and place of the meeting.

2. If the quorum in the meeting is not present, the Chairperson may postpone the meeting to another date and the Chairperson and the members present at the postponed meeting shall constitute the quorum.

3. Every question brought before any meeting of the Central Council shall be decided upon by a majority of the members present and voting at the meeting before which the matter is brought and no member shall be allowed to vote by proxy.

4. In the case of an equality of votes on any resolution or question, the Chairperson shall have a casting or a second vote.

5. The Member-Secretary shall, within thirty days of a meeting, circulate the minutes of the meeting duly approved by the Chairperson.

8. Functions of the SREG Council:-

a. The State Council shall perform the duties and discharge the functions assigned to it under section.

b. The SREG Council may, subject to such control and directions, authorize the Member-Secretary to deal with such financial and administrative matters for the day-to-day functioning.

c. The State Council shall lay down the system and procedures for maintenance of its accounts and other records.

9. Executive Committee:-

(1). The State Council shall constitute a Committee to be called the Executive Committee to assist it to discharge the duties and perform the functions assigned to it.

(2) The Executive Committee constituted under sub-rule (1) shall consist of the following, namely:-

(i). Commissioner-cum-Secretary to the Government of Sikkim, Department of Rural Management & Development Department-President.

(ii).The controller of Accounts, Finance Department- Member

(iii) Two Members who are Secretaries of the State Government nominated by the Chairperson of the Council.

(iv) Four non-official members of the Central Council to be nominated by the Chairperson of the Central Council.

(3) The Member- Secretary shall be the Member- Secretary of the Executive Committee.

10. Functions of the Executive Committee:-

(1) Subject to the general superintendence and the directors of the State Council, the Executive Committee shall perform the following duties and functions, namely:-

(i) take steps to give effect to the decisions of the SREG Council;

(ii) manage the administrative and financial affairs of the SREG Council:

(iii) Sanction expenditure in connection with the affairs of the SREG Council:

(iv) Appoint expert groups for technical support and advice to improve the quality of implementation of the Act.

(v) Exercise such powers and perform such functions as may be entrusted to it by the SREG Council.

(2) The Executive Committee shall meet at least once in three months or more frequently, if required by the SREG Council.

11. **Technical Secretariat:-**

(1) The SREG Council and the Executive Committee shall be assisted by a Technical Secretariat, which may be set up by the SREG Council in accordance with these rules to provide logistic and technical support for the implementation of the provisions of the Act.

(2). The Technical Secretariat shall be headed by the Member-Secretary and persons of professional services enlisted on the basis of procedures, norms and terms decided by the Executive Committee.

(3). The persons of professional services engaged for the Technical Secretariat shall pertain to services in functional areas specified in section 11.

12. **Funds of the State Council:-**

(1) The State shall meet its expenses in connection with its affairs and the functions entrusted to it under the Act or those rules from the annual grants released to it by the Ministry of Rural Development out of the National Employment Guarantee Fund.

(2). The funds of the State Council shall be operated through a scheduled bank as approved by the State Council.

V.B.Pathak, IAS
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Government of Sikkim.